

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

[1] THE EMPLOYEE PAINTERS' TRUST, )  
[2] RESILIENT FLOOR COVERING )  
PENSION FUND, [3] WESTERN ) Case No. MS10-45  
WASHINGTON FLOOR COVERING )  
APPRENTICESHIP FUND, [4] WESTERN ) **ORDER**  
WASHINGTON FLOOR COVERING )  
INDUSTRY PROMOTION FUND, [5] )  
REBOUND TRUST, )  
Plaintiffs, )  
v. )  
ETHAN ENTERPRISES INC., a Washington )  
corporation, REBECCA S. JOHNSON, )  
individually, and GREGORY S. TIFT, )  
individually, )  
Defendants. )

The Court, after careful consideration of the defendant's motion for protective order and dismissal, the parties' briefs and pleadings on the matter, the Report and Recommendation of the Honorable Brian A. Tsuchida, United States Magistrate Judge, defendant's objections thereto, and the balance of the record, does hereby find and ORDER:

- (1) The Court adopts the Report and Recommendation.
- (2) Defendant's motion for protective order and dismissal (Dkt. 12) is DENIED.

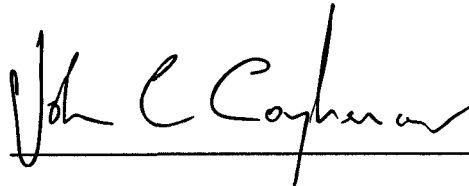
1 (3) Defendant shall appear at the U.S. District Court for the Western District of  
2 Washington, 700 Stewart St., Seattle, Washington 98101 on June 14, 2010 at 9:30 a.m. before  
3 the Honorable James P. Donohue, Courtroom 12B to answer under oath questions concerning  
4 any property in his possession or under his control which should be applied towards satisfaction  
5 of the Judgment rendered in this action.

6 (4) Defendant shall answer the questions as previously ordered by Judge Theiler on  
7 February 16, 2010 (Dkt. 2) and bring written responses to the examination.<sup>1</sup>

8 (5) Plaintiffs may apply for attorney fees if defendant fails to appear for the examination.  
9 If the defendant fails to appear, a warrant may issue for his arrest and he shall be obligated to  
10 plaintiffs for their attorney fees.

11 (6) The Clerk is directed to send copies of this Order to the parties and to Judge  
12 Tsuchida.

13 DATED this 17th day of May, 2010.

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18 JOHN C. COUGHENOUR  
19 United States District Judge  
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23 <sup>1</sup> Defendant objected to Judge Tsuchida's Report and Recommendation on the grounds that the Court did not provide an explanation for ordering him to respond to the plaintiff's questions. The Federal Rules of Civil Procedure do not require a court to provide an explanation for this type of ruling.